

paragraph; indicates that claims 30-37 and 58-59 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, 2nd paragraph and to include all the structural features and functions of the base claim and any intervening claims; indicates that claims 4-10, 14-21, 23-24, 27-28 and 65-66 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include the structural features and functions of the base claim and any intervening claims.

Claims 29, 53, 54, 57 and 63 have been rewritten to more particularly point out and distinctly claim the subject matter regarded as the invention, in response to Examiner's comments at page 2 of the present Office Action regarding these claims. More particularly, Claims 29, 53 and 57 have each been amended in pertinent part to recite "a base attachable to the foundation" in lieu of the prior recitation of "a base attached to the foundation". Additionally, Claims 29, 53 and 57, as well as Claims 54 and 63 have been amended, in pertinent part, to recite "wall frames interconnected to one another and extendable" in lieu of the prior recitation of "exterior wall frames interconnected to one another and extending". Deletion of "exterior" has not been done in response to Examiner's comments regarding 35 USC 112, but instead has been done to enhance the scope of these claims. It is respectfully submitted that deletion of "exterior" does not affect the allowability of the foregoing claims. In view of the foregoing, it is respectfully submitted that Claims 29, 53, 54, 57 and 63 now comply with the requirements of 35 USC §112, Second Paragraph, as well as Claims 30-37 which remain dependent, either directly or indirectly, from Claim 29 and Claims 55 and 56 which remain dependent from Claim 54. Additionally, it is respectfully submitted that claims 58 and 59 now comply with 35 U.S.C. §112 since they remain dependent from claim 57. In view of the foregoing, reconsideration and withdrawal of Examiner's rejection of Claims 29-37, 53, 57-59 and 63 under 35 USC §112, Second Paragraph, is respectfully respected.

In view of the foregoing amendment to Claim 29, and since no prior art rejections have been cited against Claims 29-37, it is respectfully submitted that Claims 29-37 are now in a condition for allowance, and Examiner's notice to that effect is respectfully requested.

It is noted that the Examiner has listed Claim 54 and Claims 55-56 as being allowed (refer to Office Action Summary). However, the Examiner has also discussed Claim 54 in conjunction with the foregoing suggested change of "wall frames . . . extendable" in lieu of "wall frames . . . extending", to comply with the requirements of 35 U.S.C. §112. In view of the foregoing amendment to Claim 54 and, since no prior art rejections have been cited against Claims 54-56, it is respectfully submitted that Claims 54-56 are now in a condition for allowance, and Examiner's notice to that effect is respectfully requested.

The Examiner has indicated, at Page 4 of the present Office Action, that Claim 48 is allowed. However, since Claim 48 depended from rejected base Claim 44, Claim 48 has been rewritten in independent form to include the structural features and functions of prior base Claim 44. It is respectfully submitted that Claim 48 remains allowed, and Examiner's notice to that effect is respectfully requested.

Claim 4 has been rewritten in independent form to include the structural features and functions of prior base Claim 1 and prior intervening Claim 2. In view of the foregoing, it is respectfully submitted that Claim 4 is now in a condition for allowance, as conditionally stipulated in the present Office Action, as well as Claims 5, 6, 14, 15, 18, 19 and 23 which depend, either directly or indirectly, from Claim 4.

Claim 7 has been rewritten in independent form to include the structural features and functions of prior base Claim 1 and prior intervening Claim 3. Accordingly, it is respectfully submitted that Claim 7 is now in a condition for allowance, as conditionally stipulated in the present Office Action. Claims 8, 9, 16, 17, 20, 21, 24, 27 and 28 remain dependent, either directly or indirectly, from Claim 7. Accordingly, it is respectfully submitted that these Claims are also now in a condition for allowance.

Claim 65 has been rewritten in independent form to include the structural features and functions of prior base Claim 64. Accordingly, it is respectfully submitted that Claim 65 is now in a condition for allowance, as conditionally stipulated in the present Office Action, as well as Claim 66 which remains dependent from Claim 65.

A minor grammatical amendment has been made to allowed Claim 69. More particularly, "of" has been added to line 11 so that Claim 69 reads, in pertinent part, "wherein for each of said peaks". It is respectfully submitted that the foregoing minor grammatical amendment to Claim 69 does not affect the allowability of Claim 69 and Examiner's notice to that effect is respectfully requested.

In view of the foregoing, reconsideration and withdrawal of Examiner's objections to Claim 4-9, 14-21, 23-24, 27-28 and 65-66, is respectfully requested.

The rejections of Claims 1-3, 11-13, 22, 44-47, 49-52, and 60-64 under 35 USC §103(a) as being unpatentable over Rice Planters Rope Hammock (hereinafter "Rice"), and the rejections of Claims 25-26 under 35 U.S.C. §103(a) as being unpatentable over Rice in view of Hamilton, are respectfully traversed. Claim 1 has been amended to essentially incorporate the features of allowable claim 10 with the following exception. Amended Claim 1 indicates that the base is attachable to the foundation, rather than attached to the foundation as recited in now-cancelled Claim 10, since, as the Examiner indicates in the present Office Action in conjunction with the rejection of Claims 29, 53 and 57 under 35 U.S.C. §112, the recitation of "a base attached to the foundation" is indefinite since the

foundation is not positively recited. It is respectfully submitted that this comment is applicable to now-cancelled Claim 10 and amended Claim 1. Since Claim 1 has now been amended to include the features of allowable but now-cancelled, dependent Claim 10 and to recite that the base is attachable rather than attached to the foundation as suggested by the Examiner with regard to Claims 29, 53 and 57, it is respectfully submitted that independent Claim 1 is now in a condition for allowance. Furthermore, it is respectfully submitted that Claims 2, 3, 11-13, 22, 25 and 26, which remain dependent from Claim 1, are also in a condition for allowance. In view of the foregoing, reconsideration and withdrawal of Examiner's rejections of Claims 1-3, 11-13 and 22 under 35 U.S.C. §103 as being unpatentable over Rice, and Examiner's rejections of Claims 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over Rice in view of Hamilton, is respectfully requested.

Claim 44 has been amended to emphasize that the system for framing at least a portion of a structure includes both a base and an upper member, as well as a plurality of lower connecting members extending from the base and a plurality of upper connecting members extending from the upper member. Claim 44 has been further amended to emphasize that the support members are interconnected at one end with one of the upper connecting members and at the other end with an aligned one of the lower connecting members. Additionally, the last paragraph of Claim 44 has been amended in a manner consistent with the foregoing amendments to Claim 44 by emphasizing that for each of the support members and the at least one of the interconnected ones of the upper and lower connecting members, one of the support member and the at least one of the upper and lower connecting members has a reduced end portion of complementary cross-sectional shape to the cross-sectional shape of the support member and the interconnected ones of the upper and lower connecting members, with the reduced end portion being inserted into the other of the support member and the at least one of the interconnected ones of the upper and lower connecting members. In view of Examiner's comments at pages 4-5 of the present Office Action regarding systems including the combination of a base and an upper member, which is reflected in Examiner's statement that Claims 4 and 7 (each including a base and an upper member) include allowable subject matter, it is respectfully submitted that amended Claim 44 is similarly patentable over the documents of record. In view of the foregoing, reconsideration and withdrawal of Examiner's rejection of Claim 44 under 35 U.S.C. §103(a) over Rice, as well as the similar rejections of Claims 45-47 and 49 which remain dependent from Claim 44, is respectfully requested.

Independent Claim 50 has been amended to emphasize that the system for framing at least a portion of a structure comprises at least one wall frame and that the at least one wall frame includes a base, a plurality of lower connecting members and a plurality of upwardly extending support members

as recited previously in Claim 50. Claim 50 has been further amended to emphasize that the base has an upper surface and that the lower connecting members are substantially perpendicular to the upper surface of the base. In contrast, Rice discloses a hammock stand and does not teach or suggest a system for framing at least a portion of a structure comprising at least one wall frame as recited in amended Claim 50. Furthermore, whether or not one considers the member "C" of Rice to be a base and the members "A" to be connecting members as asserted by the Examiner, it may be seen from the Rice publication that the members "A" are not substantially perpendicular to an upper surface of member "C". Accordingly, it is respectfully submitted that Rice does not teach or suggest the structural features of pending Claim 50. In view of the foregoing, reconsideration and withdrawal of Examiner's rejection of Claim 50 under 35 U.S.C. §103(a) as being unpatentable over Rice, is respectfully requested.

Independent Claim 51 has been amended to emphasize that the system for framing at least a portion of a structure comprises at least one wall frame and has been further amended to emphasize that the plurality of connecting members extend from, rather than being attached to, the at least one of a lower supporting structure and an upper member. Claim 51 has been further amended to emphasize that the upwardly extending support members are substantially parallel to one another. In contrast, as stated previously with regard to the rejection of Claim 50, Rice discloses a hammock stand and does not teach or suggest a system for framing at least a portion of a structure comprising at least one wall frame. Furthermore, whether or not the end members "C" of Rice comprise support members as asserted by Examiner, it is respectfully submitted that Rice does not teach or suggest a plurality of support members which are substantially parallel to one another. Accordingly, it is respectfully submitted that Rice does not teach or suggest the structural features of amended Claim 51. In view of the foregoing, reconsideration and withdrawal of Examiner's rejection of Claim 51 under 35 U.S.C. §103(a) as being unpatentable over Rice, is respectfully requested.

Independent Claim 60 has been amended to emphasize that the system for framing at least a portion of a building structure comprises at least one wall frame, with the at least one wall frame including the elements recited previously in Claim 60. Claim 60 has been further amended to emphasize that the vertically extending support members are substantially parallel to one another. In contrast, as discussed previously, Rice discloses a hammock stand and provides no teaching or suggestion of a system for framing at least a portion of a building structure comprising at least one wall frame. Furthermore, as discussed previously, even if the members "C" of Rice are support members as asserted by Examiner, the members "C" of Rice relied upon by the Examiner are not substantially parallel to one another. In view of the foregoing, it is respectfully submitted that Rice does not teach

or suggest the structural features of pending Claim 60. Accordingly, reconsideration and withdrawal of Examiner's rejection of Claim 60 under 35 U.S.C. §103(a) as being unpatentable over Rice, is respectfully requested.

Independent Claim 63 has been amended to recite a plurality of wall frames, rather than a plurality of exterior wall frames. This amendment has not been made in response to Examiner's rejections of Claim 63, but instead has been done to enhance the scope of Claim 63. Claim 63 has been further amended to replace "extending" with "extendable", in conjunction with the wall frames being extendable upwardly from the foundation of the structure, in response to the Examiner's rejection of Claim 63 under 35 U.S.C. §112. In view of the foregoing amendment, it is respectfully submitted that Claim 63 now complies with the requirements of 35 U.S.C. §112 and accordingly, reconsideration and withdrawal of Examiner's rejection of Claim 63 under 35 U.S.C. §112, second paragraph, is respectfully requested.

Furthermore, it is respectfully submitted that the rejection of Claim 63 under 35 U.S.C. §103(a) as being unpatentable over Rice is without merit for at least the following reasons. As discussed previously, Rice discloses a hammock stand and does not teach or suggest a system for framing at least a portion of a structure having a foundation, with the system comprising a plurality of wall frames interconnected to one another and extendable upwardly from the foundation of the structure, as recited in Claim 63. It is respectfully submitted that one skilled in the art would not be compelled to devise a plurality of wall frames interconnected to one another for the purpose of framing at least a portion of a structure, in view of the hammock stand disclosed in Rice. In view of the foregoing, it is respectfully submitted that Rice does not teach or suggest the structural features of pending Claim 63. Accordingly, reconsideration and withdrawal of Examiner's rejection of Claim 63 under 35 U.S.C. §103(a) over Rice, is respectfully requested.

Claim 64 has been amended to emphasize that the first base of the system for framing the structure has an upper surface and that the first plurality of lower connecting members recited previously are substantially perpendicular to the upper surface of the first base. It is respectfully submitted that the members "C" and "A", of Rice, discussed previously and relied upon by Examiner, do not teach or suggest at least the foregoing structural features of amended Claim 64. In view of the foregoing, reconsideration and withdrawal of Examiner's rejection of Claim 64 under 35 U.S.C. §103(a) as being unpatentable over Rice, is respectfully requested.

New independent Claim 70 has been added by this document and is very similar to Claim 57, which was rejected in form only by the Examiner in the present Office Action. The similarities and differences between Claim 57 (indicated by the Examiner to contain allowable subject matter) and new

Claim 70, are noted in the following discussion. Amended Claim 57 is directed to a system for framing at least a portion of a structure having a foundation, with the system including a plurality of wall frames interconnected to one another and extendable upwardly from the foundation of the structure, whereas new claim 70 is directed to a system for constructing at least one wall frame for framing at least a portion of a structure having a foundation, with the system comprising a plurality of interconnectable components to form the wall frame. Claim 57 indicates that each of the wall frames includes a base attachable to the foundation of the structure, a plurality of lower connecting members attached to the base and a plurality of upwardly extending support members, each being interconnected with one of the lower connecting members. Similarly, Claim 70 indicates that the interconnectable components include at least one base, with the at least one base being attachable to the foundation of the structure, a plurality of lower connecting members extendable upwardly (rather than attached to and extendable upwardly as recited in Claim 57) from the at least one base, and a plurality of support members, with each being interconnectable (rather than interconnected as recited in Claim 57) with one of the lower connecting members. In view of the foregoing, it is respectfully submitted that Claim 70, like Claim 57, patentably distinguishes over the documents of record and Examiner's notice to that effect is respectfully requested. New Claim 71 has been added by this document and depends from Claim 70. Accordingly, it is respectfully submitted that Claim 71 similarly distinguishes over the documents of record. Claim 71 indicates that the lower connecting members are attached to the at least one base and are substantially perpendicular to an upper surface of the at least one base. Accordingly, it is respectfully submitted that Claim 71 further distinguishes over the documents of record. In this regard, as noted previously, the Rice publication does not teach or suggest a system for constructing at least one wall frame for framing at least a portion of a structure as recited in claim 70 from which claim 71 depends, but instead discloses a hammock stand. Furthermore whether or not one considers the member "C" of Rice to be a base and the members "A" to be connecting members as asserted by the Examiner, it may be seen from the Rice publication that the members "A" are not substantially perpendicular to an upper surface of member "C".

Independent Claim 72 has also been added by this document. Claim 72 is the same as allowed Claim 69 except that Claim 72 indicates that the peak of each bridge member is interconnectable, rather than interconnected, with the first and second rafters of the bridge member. In view of the foregoing, it is respectfully submitted that new Claim 72 also distinguishes over the documents of record and Examiner's notice to that effect is respectfully requested.

Independent claims 73, 75 and 76 have also been added by this document, as well as dependent claim 74 which depends from new claim 73. New claim 73 is the same as new claim 70, discussed

previously, except that the following recitation which appears in claim 70 is omitted from claim 73: “of complementary shape to a cross-sectional shape of said support member”. New claim 75 is the same as new claim 72 discussed previously, except that the following recitations which appear in claim 72 are omitted in claim 75: “. . . of complementary shape to a cross-sectional shape of said peak and a cross-sectional shape of said first rafter . . . of complementary shape to said cross-sectional shape of said peak and a cross-sectional shape of said second rafter”. New claim 76 is the same as allowed claim 67, except that claim 76 recites that each of the bridge members is made of four-sided metal tubing, and except that the following recitations which appear in claim 67 are omitted in claim 76: “. . . of complementary shape to a cross-sectional shape of said first side post and a cross-sectional shape of said bridge member, . . . of complementary shape to a cross-sectional shape of said second side post and said cross-sectional shape of said interconnected one of said bridge members”. It is respectfully submitted that the documents of record do not teach or suggest, either when taken alone or in combination, Applicants’ framing systems of the present invention including those framing systems recited in claims 70-76, each of which include various members made of four-sided metal tubes which are interconnectable or interconnected to one another via reduced end portions present on selected ones of the tubes, regardless of whether or not the reduced end portions have a shape which is complementary to the shape of various ones of the four-sided metal tubes. In view of the foregoing, as well as the previous discussion associated with claims 70-72, it is respectfully submitted that new claims 73-76 also patentably distinguish over the documents of record.

It is respectfully submitted that the captioned application is now in condition for allowance and an early notice to that effect is respectfully requested.

In the event Examiner wishes to discuss any aspect of this document, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, on January 4, 2001 in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

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